



CADNA Comments Regarding the NTIA's FNOI on the IANA Contract

The Coalition Against Domain Name Abuse (CADNA) welcomes the opportunity to submit further comments on the National Telecommunications and Information Administration's (NTIA) draft statement of work for the new IANA functions contract. CADNA would also like to take this moment to thank the NTIA for its consideration of CADNA's previous submission during the NTIA's request for comments on the IANA functions earlier this year, particularly its incorporation of those comments into this draft. While appreciative of the steps that have been taken thus far and that this draft statement of work is a step in the right direction, CADNA believes that there is more to be done.

As CADNA has mentioned before, its chief concern is that the way in which ICANN currently operates the IANA functions could compromise the security and stability of the Internet. Through its possession of both the IANA contract and its policy development functions, ICANN has ultimate authority over all aspects of Internet operations, yet it is not held accountable for its actions. ICANN continues to neglect to operate in the best interests of all Internet users, instead acting only in the interest of a select few, as evidenced by the ICANN Board's recent approval of the controversial new gTLD program in Singapore. In terms of this draft, CADNA would like to comment on the following questions.

Question 2: Does the new "Provision C.2.2.1.1" adequately address concerns that the IANA functions contractor should refrain from developing policies related to the IANA functions?

This is an issue that was brought up by CADNA and others in NTIA's last comment period. At that time, CADNA stated that the IANA functions contractor should absolutely not be involved in policy development discussions and suggested that the IANA functions contract recognize the distinction between acting in accordance with versus developing policy for each discrete IANA function. The NTIA's solution, which requires that all staff dedicated to executing the IANA functions remain separate and removed from any policy development related to the performance of the IANA functions, is a step in the right direction. However, separation of staff is not enough. After all, both sets of staff would still be answering to the same managing authority. What CADNA wants to see is a form of outside oversight that would ensure that ICANN is not able to abuse its power. This may involve the inclusion of a third party to handle one aspect, the IANA functions or policy development, separate from the other.

Question 10: Does the new "Section C.5 Audit Requirements" adequately address concerns regarding audits?

CADNA's biggest concerns lie with the current operator of the IANA functions, ICANN, and the way in which it has conducted itself, seemingly without regard for transparency or accountability, or in the best interests of all Internet users. While the provisions in this section are necessary, they could go further. If the NTIA chooses to give the IANA



functions back to ICANN, it should leverage this opportunity to conduct an external audit of ICANN's internal structure. This is something that CADNA has been calling for for a long time and is the best opportunity for ICANN to change the way in which it currently operates and ensure that all conflicts of interest are resolved. Until then, ICANN should not be allowed to continue to be responsible for the IANA functions, in the best interest of the operation and management of the Internet.

CADNA would like to reiterate its appreciation for the issuance of a request for comments on this draft statement of work, and looks forward to the NTIA's upcoming decisions regarding further work on this draft and the IANA functions contract.